THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO:9135 of 2004

Dated: 20-09-2005

Between:

Chandramouli Harihara Rao,

and another.

..... PETITIONERS

AND

The Government of Andhra Pradesh, rep. By its Secretary, Hyderabad, and eight others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO :9135 of 2004

O R D E R:

This writ petition is filed aggrieved by the alleged action on the part of the respondents 1 to 5 in not taking appropriate action against the respondents 6 to 9, who are allegedly proceeding with the constructions in the land to an extent of Ac.07-80 cents in Survey No.73/1 situated in Tottaramudi Village, Inavilli Mandal, East Godavari District.

The petitioners, who claim to be the residents of the Tottaramudi Village, are eking out their livelihood by performing Archakathvam in Muktheswaraswami temple. It is alleged that the land-in-question belongs to the said temple. However, the respondents 6 to 9 started construction of pucca houses in the said land, unauthorisedly. It is stated that though the petitioners have brought to the notice of the respondents 3 to 5 about the alleged illegal constructions by the respondents 6 to 9, they failed to take any action. Hence, this writ petition.

It is relevant to note that this writ petition was filed in the month of May, 2004 and even in the affidavit filed in support of the writ petition, it was stated that the respondents 6 and 7 had already completed the construction and the respondents 8 and 9 were about to complete the construction. Though the petitioners stated that they made a complaint before the respondents 3 to 5, nothing has been placed before this Court to substantiate the said plea. This Court ordered rule nisi on 14-06-2004, but no interim directions were granted restraining the respondents 6 to 9 from proceeding with the alleged constructions on the land-in-question.

Today, when the matter is taken up for consideration, the learned counsel for the petitioners is not in a position to state the stage of the alleged constructions by the respondents 6 to 9.

Having regard to the facts and circumstances of the case, particularly in the absence of any material to substantiate the allegations made by the petitioners, I am of the view that the matter does not deserve adjudication by this Court in exercise of jurisdiction under Article 226 of the Constitution of India. However, I deem it appropriate to dispose of the writ petition granting liberty to the petitioners to make a representation before the second respondent-Commissioner of Endowments putting forth their grievance, in which event, the same may be considered and if necessary appropriate action may be taken in accordance with law.

The writ petition is accordingly disposed of. No costs.

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G.ROHINI,J

20-09-2005

klp/ghn